

REMARKS

This application pertains to a novel flexible, multi-layer film having at least one polyamide layer containing from 10 to 2000 ppm of a nano-disperse nucleating agent.

Claims 1, 2, 4, 6 - 10 and 12 - 26 are pending; claims 5 and 11 being canceled by this amendment, and claim 20 is being added.

The limitations of claim 5 have been added to claim 1, and claim 11 has been rewritten as new independent claim 26.

All remaining claims depend from claim 1.

Claims 5-12, 14 and 24-25 stand rejected under 35 U.S.C. 112, second paragraph because the Examiner finds the recitation of "single or multi-layer film" in claim 1 as being in conflict with the multiple layers recited in the dependent claims.

The claims have now been amended to recite only multi-layer films, and this is believed to obviate this rejection. The rejection should therefore now be withdrawn.

Claims 1, 4, 10, 12-15 and 17-22 stand rejected under 35 U.S.C. 102(b) as anticipated by Allied-Signal (WO 93/04117);

Claims 1-2, 4, 7-10, 12-15 and 17-22 stand rejected under 35 U.S.C. 103(a) as obvious over UBE industries (EP 358415);

Claims 6 and 16 stand rejected under 35 U.S.C. 103(a) as obvious over Wofford et al (U.S. 4,735,855A) in view of Allied-Signal;

and

Claim 23 stands rejected under 35 U.S.C. 103(a) as obvious over Allied-Signal in view of Toyota (JP 62252426 A).

The Examiner has, however, found that claims 5, 11, and 24-25 would be allowable if rewritten to overcome the rejection under 35 U.S.C. 112, second paragraph and to include all of the limitations of the base claim and any intervening claims.

Now, in a determined effort to advance the prosecution of this case, Applicants have incorporated the limitations of claim 5 into claim 1, thereby making claim 1 an independent form of claim 5, and the combined claim has been amended to overcome the rejection under 35 U.S.C. 112, second paragraph. At the same time and in the same way, claims 11 and 1 have been combined and rewritten as new claim 26.

All the remaining claims depend from claim 1.